

REMARKS

These remarks are set forth in response to the New Non-Final Office Action. As this amendment has been timely filed within the three-month shortened statutory period, neither an extension of time nor a fee is required. At the time of the New Non-Final Office Action, Claims 1 through 5 were pending and rejected in this application. In the New Non-Final Office Action, claims 1 through 5 have been rejected under 35 U.S.C. § 101. In response, Applicants have amended claim 1 to expressly recite the execution of a script processor in a computer system as supported by paragraphs [0023] through [0025] of Applicants' originally filed specification. The exclusive test for patent-eligibility of a process under § 101 is whether the process: (1) is tied to a particular machine or apparatus, or (2) transforms a particular article into a different state or thing.¹ In that claim 1 is tied as amended to a particular machine or apparatus, Applicants respectfully believe that claim 1 recites statutory subject matter. Applicants further have added new claims 13 through 19 reflecting subject matter previously canceled as claims 6 through 12.

This entire application is now believed to be in condition for allowance and such action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

¹ See *In re Bilski*, 545 F.3d 943, 964 (Fed. Cir. October 30, 2008) ("[T]he machine-or-transformation test is the only applicable test and must be applied, in light of the guidance provided by t process claims."); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972) ("Transformation and reduction of an article 'to a different state or thing' is the clue to the patentability of a process claim that does not include particular machines.")

Respectfully submitted,

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/Steven M. Greenberg/

Steven M. Greenberg
Reg. No.: 44,725
Customer Number 46322
Attorney for Applicant(s)
Carey, Rodriguez, Greenberg & Paul, LLP
950 Peninsula Corporate Circle, Suite 3020
Boca Raton, FL 33487
Tel: (561) 922-3845
Fax: (561) 244-1062